

**CONFERENCE COMMITTEE REPORT
DIGEST FOR EHB 1329**

Citations Affected: IC 4-20.5-7-2.5.

Synopsis: Evansville State Hospital. Conference committee report for EHB 1239. Provides that fences and bleachers may not be constructed on property of Evansville State Hospital and that fences and bleachers may not be constructed on property of the hospital which is sold. Reestablishes the Evansville State Hospital advisory committee to study proposed uses of the hospital property. Directs the governor and the commissioner of the department of administration to convey certain real property located in Vanderburgh County to the Southwestern Indiana Master Gardener Association, Inc. **(This conference committee report: (1) provides that fences and bleachers may not be built on any land owned or sold by the state for Evansville State Hospital; (2) provides that all members of the general assembly representing Vanderburgh County and the chief executive of the county legislative body are members of the advisory committee; (3) requires that bleachers and fences may not be constructed on real property conveyed under this Act; and (4) corrects the name of the Southwestern Indiana Master Gardener Association, Inc.)**

Effective: Upon passage.

Adopted

Rejected

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill No. 1329 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 4-20.5-6-9 IS ADDED TO THE INDIANA CODE
- 3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
- 4 UPON PASSAGE]: **Sec. 9. The department and the office of the**
- 5 **secretary of the family and social services administration shall**
- 6 **establish policies that prohibit the construction of fences and**
- 7 **bleachers on real property that is part of the Evansville State**
- 8 **Hospital. This section covers real property used either by:**
- 9 (1) Evansville State Hospital for recreational purposes; or
- 10 (2) an entity using part of the property of the hospital with the
- 11 permission of the hospital.
- 12 SECTION 2. IC 4-20.5-7-2.5 IS ADDED TO THE INDIANA CODE
- 13 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
- 14 UPON PASSAGE]: **Sec. 2.5. (a) This section applies to real property**
- 15 **that is part of Evansville State Hospital.**
- 16 (b) The transfer of real property of Evansville State Hospital
- 17 must include a provision that no fences or bleachers may be
- 18 constructed on the real property being transferred. The deed
- 19 transferring real property must include a provision that the real
- 20 property reverts to the state if bleachers or fences are constructed
- 21 on the real property.
- 22 SECTION 3. [EFFECTIVE UPON PASSAGE] (a) As used in this
- 23 SECTION, "committee" refers to the Evansville State Hospital

1 advisory committee established by this SECTION.

2 (b) As used in this SECTION, "hospital" refers to the Evansville
3 State Hospital.

4 (c) The Evansville State Hospital advisory committee is
5 established.

6 (d) The committee consists of the following members:

7 (1) All members of the house of representatives who represent
8 all or part of Vanderburgh County appointed by the speaker
9 of the house of representatives.

10 (2) All members of the senate who represent all or part of
11 Vanderburgh County appointed by the president pro tempore
12 of the senate.

13 (3) The superintendent of the hospital or the superintendent's
14 designee.

15 (4) The presiding officer of the legislative body of the
16 municipality in which the hospital is located or the presiding
17 officer's designee.

18 (5) The presiding officer of the legislative body of the county in
19 which the hospital is located or the presiding officer's designee.

20 (6) The head of the parks department of the municipality in
21 which the hospital is located or the head of the parks
22 department's designee.

23 (7) An individual representing the Wesselman Nature Society
24 board. The board shall notify the legislative services agency
25 and the staff of the committee of the name of the individual
26 representing the board.

27 (8) An individual representing the county convention and
28 visitor commission. The commission shall notify the legislative
29 services agency and the staff of the committee of the name of
30 the individual representing the commission.

31 (e) The chairman of the legislative council shall appoint the
32 chairperson of the committee. After the chairperson of the
33 committee is appointed, the vice chairman of the legislative council
34 shall appoint the vice chairperson of the committee. The
35 chairperson and the vice chairperson of the committee may not be
36 members of the same political party.

37 (f) The committee shall meet on the call of the chairperson.

38 (g) Each legislative member of the committee is entitled to receive
39 the same per diem, mileage, and travel allowances paid to
40 individuals serving as legislative members on interim study
41 committees established by the legislative council. All expenses
42 under this SECTION shall be paid from appropriations made to
43 the legislative services agency.

44 (h) Each member of the committee who is not a member of the
45 general assembly is not entitled to the minimum salary per diem
46 provided by IC 4-10-11-2.1(b). The member is, however, entitled to
47 reimbursement for traveling expenses as provided under
48 IC 4-13-1-4 and other expenses actually incurred in connection
49 with the member's duties as provided in the state policies and
50 procedures established by the Indiana department of
51 administration and approved by the budget agency.

(i) The committee shall operate under policies and procedures established by the legislative council.

(j) The affirmative vote of a majority of the members appointed to the committee is required to take action on any measure.

(k) The division of mental health and addiction established by IC 12-21-1-1 shall provide staff services to the committee.

(l) The committee shall study proposed uses of the hospital property, including the existing historic buildings.

(m) This subsection does not apply to a transaction or the renewal of a transaction if the transaction was entered into before January 1, 1999, or to a transfer specifically authorized by statute. Before the state may:

(1) sell, lease, or transfer possession of any part of the real property constituting the grounds of the hospital or make any determination concerning the siting of any new building or related parking facility to be constructed on the grounds of the hospital; or

(2) enter into an agreement or contract for any transaction described in subdivision (1);

the governor must submit to the committee a detailed report describing the proposed transaction and the reasons for the proposed transaction. Upon receiving a report under this subsection, the chairperson of the committee shall call a meeting of the committee to act upon the report. The committee shall act upon the report and submit its recommendations to the governor not later than sixty (60) days after the governor submits the report. The state may not proceed with the transaction until the governor responds to the committee's recommendation.

(n) The transfer of any real property constituting the grounds of the hospital must include a provision that no fences or bleachers may be constructed on the real property being transferred. The deed transferring real property must include a provision that the real property reverts to the state if bleachers or fences are constructed on the real property.

(o) The committee shall continue the work done by the Evansville State Hospital advisory committee, which expired January 1, 2004.

(p) This SECTION expires January 1, 2007.

SECTION 4. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "commissioner" refers to the commissioner of the Indiana department of administration.

(b) As used in this SECTION, "department" refers to the Indiana department of administration created by IC 4-13-1-2.

(c) As used in this SECTION, "grantee" refers to the Southwestern Indiana Master Gardener Association, Inc.

(d) As used in this SECTION, "real estate" refers to the real property located in Section 26, Township 6 South, Range 10 West in Knight Township, Vanderburgh County, Indiana, more particularly described as follows:

Commencing at the southwest corner of the northwest quarter of Section 26; thence along the west line of the quarter section, North 01 degree, 06 minutes, 58 seconds East 1686.80 feet to the southwest

corner of a tract of land conveyed to the City of Evansville in Deed Drawer 11, card 9992 in the office of the Recorder of Vanderburgh County; thence along the boundary of the City of Evansville tract the following seven (7) calls:

South 86 degrees, 14 minutes, 29 seconds East 383.18 feet;
thence

South 23 degrees, 15 minutes, 05 seconds East 99.07 feet;
thence

South 57 degrees, 37 minutes, 45 seconds East 114.34 feet;
thence

South 86 degrees, 17 minutes, 39 seconds East 127.75 feet;
thence

North 00 degrees, 04 minutes, 06 seconds East 113.09 feet;
thence

South 87 degrees, 28 minutes, 48 seconds East 61.01 feet;
thence

North 09 degrees, 00 minutes, 19 seconds East 207.54 feet; to the southwest corner of a tract of land conveyed to the Buffalo Trace Council, Inc. of the Boy Scouts of America in Document Number 2004R00010382 in the office of the Recorder of Vanderburgh County; thence along the boundary of the Boy Scout tract, South 88 degrees, 35 minutes, 04 seconds East 909.20 feet; thence continuing along the Boy Scout Tract, North 15 degrees, 07 minutes, 50 seconds East 75.92 feet to the point of beginning; thence continuing along the Boy Scout tract the following four (4) calls:

North 68 degrees, 20 minutes, 24 seconds West 198.16 feet;
thence

North 00 degrees, 28 minutes, 12 seconds East 254.18 feet;
thence

South 73 degrees, 53 minutes, 24 seconds East 195.17 feet;
thence

South 06 degrees, 59 minutes, 24 seconds East 175.44 feet;
thence

South 15 degrees, 07 minutes, 50 seconds West 102.58 feet to the point of beginning and containing a gross area of 1.208 acres.

(e) The governor and the commissioner are authorized and directed on behalf of and in the name of the state of Indiana to convey the real estate to the grantee. Except as provided in this SECTION, the conveyance of the real estate shall be made without consideration. Conveyance of the real estate is subject to the following:

(1) Use of the real estate for educational, cultural, recreational, art, or museum purposes.

(2) The rights of ingress and egress across existing roadways and parking lots as described in the quitclaim deed to the Buffalo Trace Council, Inc. of the Boy Scouts of America in Document Number 2004R00010382 in the office of the Recorder of Vanderburgh County.

(3) The use of paths located on the real estate for biking, hiking, and other similar recreational activities.

- 1 **(4) Highways, easements, and restrictions of record.**
2 **(5) No fences or bleachers may be constructed on the property.**
3 **(f) The real estate reverts to the state if the real estate is not used**
4 **for the purposes described in subsection (e)(1).**
5 **(g) The conveyance of the real estate must comply with**
6 **IC 4-20.5-7 to the extent that IC 4-20.5-7 does not conflict with this**
7 **SECTION. The department shall have a quitclaim deed prepared**
8 **to convey the real estate to the grantee. The deed must state the**
9 **conditions and restrictions contained in subsections (e) and (f). The**
10 **commissioner and the governor shall sign the deed, and the seal of**
11 **the state shall be affixed to the deed.**
12 **(h) The grantee shall have the deed to the real estate recorded in**
13 **Vanderburgh County, Indiana.**
14 **(i) The department shall inform the superintendent of Evansville**
15 **State Hospital when the conveyance under this SECTION has been**
16 **completed.**
17 **(j) SECTION 1 of this act does not apply to the conveyance**
18 **required by this SECTION.**
19 **(k) This SECTION expires July 1, 2009.**
20 **SECTION 5. An emergency is declared for this act.**
 (Reference is to HB 1239 as reprinted April 6, 2005.)

Conference Committee Report
on
Engrossed House Bill 1329

Signed by:

Representative Becker
Chairperson

Senator Server

Representative Avery

Senator Lutz L

House Conferees

Senate Conferees